

Exhibit 1: Transcript of January 14, 2019 Press Conference

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2 DEBRA HINKEL/ESTATE OF ROBERT RAMIREZ,
3 v.
4 DEREK COLLING,
5 _____ /
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12 GRAND JURY PRESS CONFERENCE
13 01/14/2019
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1 PEGGY TRENT: I'm just going to go ahead and
2 get started.

3 First of all, thank you for attending
4 today. I called a press conference today to provide
5 the public information on the grand jury proceedings
6 relating to the criminal investigation of Corporal
7 Derek Colling of the Albany County Sheriff's Office
8 for the shooting of Robby Ramirez on November 4th and
9 to discuss next steps.

10 First, I'm truly sorry for the death of
11 Robby Ramirez. I was conducted immediately after the
12 shooting by the mother of Robby Ramirez, and it was
13 prior to actually being advised as the county
14 attorney that a shorting had occurred. His mother
15 wanted to know from me why, how could this happen.

16 Those comments from the beginning have
17 carried with me through the entire investigation and
18 to the point that I stand before you today. After
19 the shooting I was immediately questioned by law
20 enforcement whether I should remove myself from this
21 case due to me being called by Robby's mother due to
22 the fact I knew his mother in a capacity of a mental
23 health board. At that point I even questioned well,
24 I know the officer too. How is that any different.
25 I felt I had no legal conflict at this time.

1 As a matter of fact, I had researched this
2 issue after the first shooting that had occurred in
3 2015 at the Snowy Range Ski Resort which involved
4 Albany County sheriff officers at that time. In that
5 particular shooting, as I did at the subsequent
6 shooting at Vedauwoo and this shooting, I immediately
7 reached out to the Wyoming State Bar Counsel to
8 discussion whether I had a legal conflict, and each
9 time I discussed I followed the advice of what I was
10 told in discussing this matter with that legal
11 counsel.

12 In the first shooting that occurred in
13 Snowy Range in '15 the officers involved were the
14 judge's son who worked for the sheriff's office. As
15 you can imagine, I practiced in front of that judge
16 on a regular basis, and I had a legal conflict and
17 requested to be removed from that case, and I did so,
18 and at that point I reached to the attorney general's
19 office in an effort for them to handle the review.

20 In the second shooting that happened since
21 I've taken office, that occurred at Vedauwoo. Again
22 an Albany County sheriff's deputy was involved in
23 that shooting, and I did not, as I reached out to bar
24 counsel, recuse myself of having a legal conflict,
25 but made that decision. But up to this point I

1 question our system in the state of Wyoming and how
2 we investigate officer involved shooting with deadly
3 force. At that point I reached out to my colleagues
4 throughout the state of Wyoming, and I reached to
5 them to see what their thoughts were, and how could a
6 county and prosecuting attorney who represents the
7 Albany County Sheriff's Office in a civil capacity
8 also investigate a sheriff deputy. In addition, I
9 reached out to various attorneys as to conflict. I
10 researched American Bar Association. I looked into
11 this matter thoroughly to kind of understand when
12 there was a next shooting how would I hand it and
13 what I would do differently.

14 What's most noteworthy in the state of
15 Wyoming, there's no state statute on deadly force.
16 There's know protocol, there's no process. It's
17 basically the way it's always been done in the state
18 of Wyoming, is that the DCI, which is the Division of
19 Criminal Investigation, would investigate the matter
20 and then they refer it to the county and prosecuting
21 attorney or DA in that community to determine if it's
22 justified.

23 In reviewing that process, I felt we could
24 do it better, and I had back then decided that I
25 would consider a grand jury. But when I started

1 discussing a grand jury, you can't do that. That's
2 not the way we do it in Wyoming. It is up to you to
3 do it. I was told I need to go get a special
4 prosecutor because I have a conflict.

5 I'm going to tell you, you want me in this
6 position doing it, and why is that? Because I'm
7 accountable to the voters in that community. A
8 special prosecutor that would come in is not
9 accountable to the community. As a matter of fact, I
10 can tell you on the times that I have appointed a
11 special prosecutor I wish I would have personally
12 handled it because it would have been handled
13 differently in the way our community would expect me
14 to handle it as being elected as your county
15 attorney.

16 But in this case I elected to stay on it
17 for many reasons, and the reason that stood out in my
18 mind was back to how could this happen in our
19 community. I felt by a thorough investigation, and I
20 assure you law enforcement did not agree with every
21 move I made, but I stood true no matter what the
22 public said, no matter what law enforcement said, I
23 knew this needed to be investigated properly and
24 thoroughly so we determined how could this happen in
25 our community.

1 I sat down and I looked to other
2 jurisdictions, and first thing what I find amazing is
3 no one even knew what a grand jury really was in
4 Wyoming. The last grand jury, and from evidence I
5 received was 1992 or 3 for a gas fixing case and had
6 nothing to do with the criminal and type of these
7 charge.

8 At that point I decided the grand jury
9 would have been effective, not because I feel that in
10 other states it's ineffective. I felt in the state
11 of Wyoming it would be the best course of action. It
12 would require each and every one of us looking at the
13 evidence, examining the evidence, asking those
14 questions that I've read in the social media, asking
15 people to be accountable, and I ask those questions
16 and I investigated. Not only that, I secured two
17 experts to come into our community in order to
18 provide insight as to national standards and how it
19 should be done in the use of deadly force. Those two
20 experts, and I had contacted another expert, but they
21 were not available over the holidays to testify,
22 actually came in following a model that I've seen in
23 Wisconsin.

24 This grand jury process differs from other
25 states in that this is not a grand jury that sits for

1 every case that's handled in our community. Instead,
2 this grand jury is convened only for one matter and
3 one matter at all, and that was the shooting and
4 whether it was justified and whether criminal charges
5 should be filed against Corporal Derrick Colling.

6 At that point, what most people don't know
7 is this jury gets to ask questions. They ask
8 questions of every witness. They ask questions of
9 me. A lot of the questions were what I had already
10 known from social media, and those questions were
11 asked in detail in putting those witnesses on the
12 spot to know why, how did this happen. There was a
13 thorough investigation, and no disrespect to defense
14 attorneys, it was more raw, more direct towards those
15 witnesses than you would ever have in a courtroom
16 with a jury present with a judge. Yes, the judge was
17 not present, but let me tell you, I asked the judge
18 about specific rulings of what was relevant, and two
19 things that I discussed with the judge that were not
20 presented were the prior shootings of Derrick
21 Colling. Why is that not relevant? It was because I
22 would need to present the facts on each of those
23 shootings in this case which takes away from the
24 relevancy of the facts of this case.

25 Furthermore, I did not present the facts

1 concerning the victim in this matter, Robby Ramirez,
2 and all of his law enforcement contacts and assaults
3 that had occurred back in '04 and '05 resulting in
4 the assault on two officers and the assault of a
5 family member. I felt again that required facts
6 being introduced and reentered into this case which
7 did not have any bearing.

8 the grand jury asked questions. Those
9 questions were asked, but they were told as to the
10 relevancy and how we were focused on this. This is a
11 criminal process, a criminal crime. He was charged
12 and asked to be reviewed whether he committed the
13 offense of involuntary manslaughter. It is a
14 specific definition under the state statute of what
15 must be proven of the elements, and one of the key
16 elements, was it justified.

17 Now, it may not be the result that some
18 people wanted, but I will submit to you that the
19 system did not fail. The jury system is there for a
20 reason, and this system was done fairly and the
21 evidence was presented. No one is happy. Law
22 enforcement is not happy that I now have said in
23 Albany county we will put deadly force to a grand
24 jury. The citizens aren't happy because in their
25 mind he should be criminally prosecuted for the acts

1 he did on this. I am here to tell you that the
2 evidence did not meet that the level of probable
3 cause, and at this point the next steps are where do
4 we go.

5 Well, I'll tell you, it goes back to that
6 question that was asked of me, how could this happen.
7 How could this happen and why did it happen, and so
8 that takes the point of an elected official and all
9 of us to now start looking at where do we go from
10 here. With every case I take to a grand jury and,
11 every Wednesday I hold case reviews where we look at
12 facts. We look at the officers and how they acted.
13 We look at what could we do differently in our
14 investigation, and that's exactly what I intend to do
15 with this case. I believe that DCI and how this was
16 investigated and how this matter was handled needs to
17 be reviewed, and I intend to do that with one of our
18 experts to facilitate that dialogue as we
19 self-reflect on how can we do better and how we
20 handled this process.

21 This process and what we had here should
22 not be what happened today. We shouldn't have had to
23 have citizen groups formed. We should have policies
24 and procedures in place. How do we handle when the
25 unfortunate use of deadly force is used. We have

1 none We have no policies. No one has policies of
2 the prosecutors, so we need to do a better job on how
3 that's handled. We need to do a better job on how we
4 communicate what was going on.

5 Grand jury proceedings are secret. They're
6 secret for a reason in order that the attempt is to
7 get the information to the grand jury. At this point
8 I think the process needs to be looked at, maybe on a
9 state level. How do we handle deadly force as a
10 state. How do we handle it with training.

11 Some of the things we're currently doing is
12 with the Albany County Mental Health Board in looking
13 at CIT training for more intervention. But I'll
14 submit to you even with this process we never looked
15 it from a traffic stop perspective. How do you know
16 when someone's mentally ill in a traffic stop? We've
17 never approached that. I'm not sure if that's been
18 approached nationally, but it needs to be approached
19 as well.

20 As we move forward, the next step now is
21 personnel, and that will be handled by Sheriff
22 O'Malley. Sheriff O'Malley has an attorney that will
23 be retained in order to help him. What you don't
24 know is I removed myself from the personnel matter
25 exactly the first week and asked the county

1 commissioners for him to retain counsel. I removed
2 myself from the civil piece of this and kept myself
3 on the criminal portion of this investigation. In
4 addition, I received correspondence early on in that
5 first week about the potential of litigation.

6 Underlying all this has been several areas
7 of where this particular matter could go, and rightly
8 so. We all should be accountable for what happened,
9 and so with that we have a civil attorney. So the
10 civil attorney is also representing my role with
11 solely the criminal and how it would go forward.

12 At this point again the question needs to
13 be answered how can this happen. I know that there
14 was a citizen group. I attempted to attend that. I
15 was called by ACL specifically and told not to
16 attend. This is not the way, and I was told. As
17 elected official people did not feel safe to open up
18 and to talk.

19 We need to have these difficult
20 conversations, and they may not be difficult for
21 people to hear, but we need to hear that. And part
22 of having a case review, we also need a facilitator
23 that's unbiased to come in and facilitate that
24 dialogue as to how we can make the changes so this
25 doesn't happen again. But at this point I felt it

1 was necessary to have this press conference because I
2 believe facts were not getting out. And quite
3 frankly, the way the process was, we didn't have a
4 process to follow to know how to handle it, and now
5 we will change the way that occurs.

6 So at this point I wanted to let you know
7 these are the next steps that we intend to do, and if
8 there's any questions I'd be glad to answer them.

9 SPEAKER: Peggy, in the last police-involved
10 shooting, at least that I was familiar with, was the
11 Vedauwoo one in that case. You made the determination
12 whether there was probable cause and then released
13 information about why there wasn't and a lot of details
14 with the facts of the case. You mentioned about why a
15 grand jury was appropriate to let citizens decide, but
16 why was that a better process than putting out in public
17 an explanation of there wasn't -- if there wasn't, and
18 you determined, here's why there wasn't problem cause
19 and here's an explanation.

20 PEGGY TRENT: Good question. As a matter of
21 fact at that the time, and I'll be candid, I was being
22 told this was the way it had to be done. I was told
23 that it is the sole decision of the DA or the county
24 attorney. I was inquiring of my counterparts in all 23
25 counties. I'm the president of the association, even

1 inquiring is this the proper way to do it, and at that
2 time I had elected because that would have been my first
3 one to be actually without a conflict of interest to
4 handle. So at that point I elected to go forward with
5 it and make that sole decision. It didn't feel right.
6 I felt it needed to be responded to from the public.

7 Also, I think the process of going through
8 grand jury forces officers, forces me, forces
9 everyone to do a better job examining what protocols
10 or processes be reevaluated. That didn't occur after
11 that shooting, so that's why I feel the grand jury
12 forced the issue for us to look inward, and not just
13 because it was an individual who had previously been
14 in other shootings. It was this shooting. These
15 facts needed to be examined in a light of community
16 people.

17 And I do want to add onto that, the jury
18 selection in this is unique too. Jury selection for
19 a grand jury is for cause. So if I believe you're
20 supposed to not have preconceived ideas, well the
21 pretrial publicity was out there that everybody had
22 heard or read something about this. So there were
23 people on the jury that we attempted I know to try to
24 get past any preconceived ideas. They could not be
25 dismissed for anything but cause, meaning they

1 couldn't serve for one reason or another.

2 There were 12 jurors selected, and even
3 with the jury instruction, there were questions asked
4 about evidence that we did not present, these two
5 pieces of information that I previously discussed,
6 but it was important that they set aside that and
7 listen to the facts that were presented.

8 SPEAKER: Peggy, (phonetic). Can you please
9 tell me when the grand jury met, over what dates and the
10 breakdown male/female.

11 PEGGY TRENT: I can't talk about the jury
12 itself. I'm prohibited by state statute and ethically,
13 but I can tell you they were convened early, I think
14 mid -- I started filing the documents I believe, I don't
15 want to -- November. But I knew immediately on
16 November 8th that I was going to convene a grand jury.
17 It was January 8th is the date we selected to start the
18 grand jury and select the grand jury. Jurors were
19 called to the room. They thought they were appearing
20 for a criminal matter. It was held over at UW College
21 of Law because we had another jury trial going on here,
22 and also the deliberation room here we did not have the
23 ability for the equipment and how that would look like
24 in a grand jury setting here, so we used the law school.

25 They convened, so the jury was selected on

1 January 8th. Evidence started to commence on the 8th
2 and continued on to the 9th and 10th, and then they
3 deliberated on the 10th and reached their decision.

4 SPEAKER: Were they sequestered in any way
5 over that time?

6 PEGGY TRENT: No. And I can tell you from
7 their questions they were asking items that were from
8 social media. I had been reading all social media, so I
9 tried to address their questions. Their questions were
10 outstanding. They asked the hard questions that I take
11 back with me of how can this happen and how can we fix
12 it.

13 SPEAKER: What I heard you say is given we
14 have the jury didn't find a need to indict Colling, but
15 then you also talk about how we need a change?

16 PEGGY TRENT: Yes.

17 SPEAKER: So can you talk more specifically
18 about the policies and statutes at the state and the
19 county level that you think need to be addressed?

20 PEGGY TRENT: Yes. So from an officer
21 shooting, it's unlike if a citizen used self-defense.
22 This is justification, and the jury in instructions and
23 out all of the law does not lean itself to this type of
24 procedure for grand jury, so we use case law of Supreme
25 Court, Wyoming Supreme Court for justification. So

1 where it provides the issue is this is not the norm. I
2 think it should be the norm that we convene a grand jury
3 when there's an officer-involved shooting. I believe
4 that there needs to be some higher standard for officers
5 as well as prosecutors when deadly force is used. And
6 so that's what I'm referring is that we need to have
7 some time of reform statewide to direct, or we will
8 have, as you've heard in the past few weeks, all the
9 officer-involved shootings. It's being decided by a
10 county or prosecuting attorney or DA. And I believe in
11 my opinion we need more accountability and oversight,
12 and that proceeds it by going to a grand jury which is
13 comprised of citizens.

14 SPEAKER: It still feels like the conversation
15 is limited to a justification of use of force, and I'm
16 wondering if there's a policy conversation about
17 alternatives --

18 PEGGY TRENT: Yes.

19 SPEAKER: -- to facilitate a conversation
20 about things like deescalation as opposed to being
21 limited to was this death justified or not.

22 PEGGY TRENT: Well, first of all, I was
23 deciding the criminal component. So now you come back
24 to mother's question, how could this happen, and that's
25 where the question because of the investigation, because

1 of the thoroughness of grand jury, it allows us now to
2 ask those questions how could this happen, what could we
3 do differently, how could we look at traffic stops, how
4 do we identify, if we can, whether someone's acting out
5 of anger, ready to attack, or mentally ill. How do you
6 handle it, can you deescalate it. So these are
7 conversations that came out of it as a result of the
8 criminal process. It's not saying the criminal, the
9 deescalation necessary is in the elements of the crime.
10 It's what do we do now for policy.

11 SPEAKER: Now, do we know what's next for
12 Colling? Can the public expect him back on the streets?

13 PEGGY TRENT: You will have to direct that to
14 Sheriff O'Malley. That is a personnel matter. As a
15 matter of fact, I'm the criminal. As I indicated, there
16 will be an attorney that will be representing Sheriff
17 O'Malley and at this point they will deal with that
18 separately.

19 SPEAKER: And would that also be where to
20 direct a question about possible protocol breach during
21 that traffic stop, and you just had talked about a
22 deescalation. Kind of what led to just sheer aggression
23 right off the bat?

24 PEGGY TRENT: That's where that conversation
25 will occur during a personnel matter, did he adhere to

1 all of the policies and, you know, reflecting on
2 training and so forth like that.

3 SPEAKER: He does remain on administrative
4 leave pending the sheriff's determination?

5 PEGGY TRENT: As far as I know he's on
6 administrative leave as of today, so he's still on
7 administrative leave.

8 Mr. Hale?

9 MR. HALE: Yeah, several questions. I assume
10 there will be some preservation of evidence so we won't
11 have a repeat of the shredding incident with the resume
12 that the city had. That's one question.

13 PEGGY TRENT: I'm not familiar with that.

14 MR. HALE: Yeah, the resume of the director at
15 the rec center.

16 PEGGY TRENT: Oh, okay.

17 MR. HALE: Secondly, am I to understand that
18 the grand jury couldn't listen to the evidence and ask
19 questions if the public was there? I fail to see the
20 connection or the justification by not having the public
21 there. And then third, do you agree with that process
22 that the public should not be involved?

23 PEGGY TRENT: Okay. First of all, your first
24 question as to the matter over at the city and shredding
25 of evidence, just to let you know we have preserved all

1 of the evidence. As a matter of fact, we received a
2 letter early on where it preserved everything and
3 nothing will be, how shall I say destroyed. It will all
4 be preserved for the case.

5 The second issue you raised is the grand
6 jury and how the public is precluded from that
7 process and it's done in secrecy. That's currently
8 the state law and that's kind of the process -- it
9 is, not kind of, the process throughout the United
10 States for grand jury.

11 I want to clarify the difference between a
12 federal grand jury and state. Federal is convened
13 regularly. State is not here in Wyoming, but that
14 is -- it is secret, and it is to the point where
15 public is precluded, and no one is permitted in the
16 room, but the grand jurors and myself and the court
17 reporter, and that's it. And we -- and they ask
18 questions back and forth of what they want as I
19 present the evidence, so they're holding me
20 accountable to what I'm presenting.

21 And your last question was do I feel the
22 public should be involved. I believe the public --
23 this is a crime has occurred. Let me give you the
24 difference of a grand jury.

25 Normally in Wyoming we don't convene grand

1 jury. I worked under that system as a prosecutor in
2 Ohio where we convened a grand jury. As a matter of
3 fact, I did a stint in the grand jury division, and
4 basically you would present all of your felony cases
5 to the grand jury. To me you get to know your grand
6 jury, and it's more what people feel that it's not a
7 good process because it's kind of everybody knows
8 everybody and they just kind of go through and rubber
9 stamp it.

10 This process is unique because it's
11 convened specifically for this, and it was done more
12 or less on this case and there's no relationship
13 really. You're just -- they don't know me, I don't
14 know them and they're just asking the questions.

15 As to the public being involved, this is as
16 criminal -- we normally -- I charge felonies in my
17 office. I have officers what's called affidavit of
18 PCs attesting to the facts that result in that, and
19 then it can go to the preliminary hearing to
20 determine there's probable cause. There in the
21 preliminary hearing the public is involved. But in
22 this case it was more into justification in
23 determining was it justified or unjustified. I had
24 not -- I have to admit, it wasn't until after the
25 close of the case that I could say my mind was even

1 made up, and I think that the grand jury did a great
2 job in listening to the evidence and asking the hard
3 hitting questions that they did throughout the case,
4 so I think I answered your question.

5 MR. HALE: I think the problem the public has,
6 I know I certainly did, and that is when we have elected
7 officials such as yourself talking about accountability,
8 transparency, and then when it comes to walking the talk
9 it's going to be secret. The two seem to be
10 conflicting.

11 PEGGY TRENT: The other process was for me to
12 make the sole decision, and I think that's even worse.
13 So in our system in the world right now there's two
14 ways. Either the prosecutor makes it sole decision, one
15 person who's an elected official, or we go with 12
16 people to ask questions and who make those decisions.
17 And you can convene your grand jury for other matters
18 too, but we elect not to and have not.

19 Now that I know the process and we've now
20 created it, I may use it more often in certain cases,
21 and I could tell you those would be reserved, I know,
22 for officer-involved shootings right now. But I do
23 believe that that is a better process than one person
24 making the decision.

25 SPEAKER: Two questions. One is what efforts

1 did you make in screening expert witnesses to make sure
2 that they weren't unfairly biased towards law
3 enforcement, and why was there not an expert witness who
4 was specific to mental health or police shooting like
5 victims advocate, something along those lines?

6 PEGGY TRENT: Good question. There were
7 several experts that were provided to me, and actually
8 three.

9 SPEAKER: Who provided them to you?

10 PEGGY TRENT: Another law enforcement agency,
11 DCI and others provided me names. I also did a Google
12 search to see what was out there in experts in this area
13 in trainings I've gone to personally and I've seen. So
14 from those experts, we were able to dwindle it down to
15 two experts, and what was really of concern to me was
16 not only the use of force and whether, you know, the
17 policies and national standards, but also someone to
18 come in and review those items.

19 Also, I had questions about the taser in
20 this case and the video camera, body camera, and
21 they're by taser, the same company. I really wanted
22 to be able to answer how did that video camera turn
23 off, how come the taser didn't work, was it activated
24 properly. I wanted that investigated thoroughly so
25 that I understood what was happening, wanted to know

1 is it common practice to pull a taser and a firearm
2 at the same time. I wanted to know those questions
3 as we were going through the policies and national
4 standards because we wouldn't know those national
5 standards.

6 Standards and policy are driven by case
7 law. Case law then the sheriff's office or the law
8 enforcement can even add stricter standards. But
9 getting back to mental health, those records and
10 everything, even though it wasn't provided to the
11 grand jury, all of that was provided to the expert so
12 that they had the mental health records and all of
13 it.

14 What they were focused on and I think what
15 people don't understand was the traffic stop. there
16 was evidence, and I wanted to know how we didn't
17 know, just like the mother asked, how did he not know
18 him. That was a question that kept coming out. How
19 do you not know him if you went to high school with
20 him. How did you not know him that day.

21 We were very focused on looking at that
22 video to kind of determine did he know him, was there
23 signs of that, so the expert was focused on this, but
24 this was a traffic stop, not what we normally get,
25 and I deal with our involuntary commitments in our

1 office personally, not the typical where we're called
2 out, officers are called out to a scene to intervene
3 with a mental health crisis or anything that's
4 happened. this was a traffic stop, so we were
5 looking at it from that perspective.

6 As I said, where do we go from here, how
7 could this happen. These are things that I think
8 need to be looked at for training. But yes, those
9 were all given to this expert, everything.

10 SPEAKER: Yeah. I guess I understand that
11 there was technical information that you were asking him
12 to evaluate. What I'm talking about is bias, though.

13 PEGGY TRENT: Oh, yeah. I even asked the
14 officer how do you -- you seem pro law enforcement, so
15 are you going to move, and the answer is no. He gave
16 the good, bad and everything in between to the grand
17 jury of what he observed. You have to remember, this is
18 a criminal charge of involuntary manslaughter.

19 The policy issues is a different issue,
20 different area. But he was -- you have to understand
21 policy of law enforcement. You have to be a law
22 enforcement officer to understand it too. You
23 couldn't come in and evaluate a police just from
24 that. You're looking at the outcome vs. process, how
25 does a police officer respond. There's a different

1 lens that you're looking at it.

2 SPEAKER: So speaking of the body cam footage,
3 is that going to be released to the public?

4 PEGGY TRENT: Yes. I have been advised by the
5 civil attorneys I am not to release it and against their
6 advice. I'm releasing it. I believe it should be
7 released. I believe in the public records. I said I
8 would and I will. We brought copies.

9 The problem is the dash come is left on for
10 several hours and takes a long time to download, but
11 I can release it all you want. You can look at the
12 body footage. I can tell you right now the footage
13 is no different than what you have on You Tube.

14 I think people in the community want --
15 they think the answers are there. There's more to
16 this. It's subjective too, what was going on in the
17 officer, what was going on in the mind what happened
18 afterwards, what evidence was collected. It's more
19 than just that video that is out there. But sure,
20 you can have it, but it's against legal advice. I'm
21 probably going to get in trouble, but I decided that
22 I believe the body cam and the dark cam and the radio
23 traffic should all but released, so I will be
24 releasing those. The problem is, again, getting it
25 downloaded and being aware of that.

1 SPEAKER: And where was that shift from
2 originally when we had come to that first conference to
3 the now wanting to release it?

4 PEGGY TRENT: The criminal investigation is
5 complete. Grand jury has made a decision. I have
6 nothing further to deal with the criminal aspect. Now
7 it's moving to the civil arena, which is personnel and
8 civil liability. So to me, just like any felony or
9 criminal case, I would release what is necessary, and in
10 the statute says I may release it, and I believe I no
11 longer have a reason.

12 I knew early on when we had done the press
13 conference I was moving in that direction and I knew
14 I was going to and could not release it because we
15 were analyzing that footage.

16 SPEAKER: Now, is any of the evidence the
17 grand jury going to be --

18 PEGGY TRENT: No. All of that is sealed right
19 now. That will be up to the civil attorneys eventually.
20 I do anticipate filing a motion to unseal it, but at
21 this point I'm not doing that. The civil is kicking in
22 now, and then all of that will go forward.

23 SPEAKER: Peggy, this is kind of a convoluted
24 question with that subjective element that you discuss
25 and you mentioned that you consulted with Judge Kricken

1 about the relevance of the previous shootings that Derek
2 Colling was involved in and it kind of gets to that like
3 just the general 404B concept of --

4 PEGGY TRENT: Other acts?

5 SPEAKER: -- of establishing a pattern of
6 conduct, and I was wondering if do the same principles
7 on 404B exceptions apply to a grand jury as they do to a
8 jury trial and if so, does the pattern of conduct have
9 any relevance to an officer's justification, and if so,
10 why is that not relevant?

11 PEGGY TRENT: That's a great question. The
12 case law doesn't dictate that that would be admissible
13 and rules of evidence do not apply, which meant there
14 was hearsay. That's why the jurors could ask the
15 questions even though it wasn't following adhering to
16 the rules of evidence a lot of their questions. But
17 essentially other acts, you would have to show those
18 shootings were similar and situated if we were to do it
19 for other acts and you don't have those here. Those
20 were each individually different circumstances than
21 this.

22 On the flip side, should we have entered
23 the victim and their acts of assaulting an officer
24 and/or family member as being violent, and I felt
25 that that was inappropriate because you have to look

1 at this facts because those facts were different. So
2 there was that looking at both to see can you admit
3 it or not.

4 We did talk about his mental health
5 condition on that day. We did talk about his -- I
6 can't get into it, but we talked about different
7 things along that line.

8 SPEAKER: And aside from Judge Kricken, did
9 you consult with the AG or bar counsel about what
10 evidence to introduce and how to introduce it, that sort
11 of thing?

12 PEGGY TRENT: Bar counsel, no. I only talked
13 about legal conflict. AG's office, yes. I did speak
14 with them about evidence, not detailed as you think.
15 More just jury instructions and what the law and how to
16 advise the grand jury. We had never convened one. As a
17 matter of fact, one has never been convened in the state
18 of Wyoming, so it was working together to figure that
19 out.

20 I did consult with other county and
21 prosecuting attorneys and DAs throughout the state.
22 They also factored in in talking to me as well.

23 SPEAKER: Now, what's next for your office and
24 law enforcement? It's clear that there's a strain
25 between you guys and the community now. How are you

1 moving forward?

2 PEGGY TRENT: One step at a time. I have a
3 job to do. I was elected to do my job regardless of
4 this case. I did the right thing in my mind for making
5 this accountable. I just keep moving forward to take
6 each case, and we had a full weekend and you just keep
7 moving forward.

8 As to moving forward as a team, I believe
9 in a case review. A case review will actually
10 examine the process and how we can do it better and a
11 facilitator talking to myself and the sheriff's
12 office and DCI in how we can do this better.

13 SPEAKER: In terms of the process of changing
14 policy moving forward, what would you say to people who
15 said there was no indictment so we don't have a problem?
16 I mean, I think people see impunity as an indicator that
17 nothing is going wrong and potentially see charges as a
18 sign that there is a problem, so how do you explain that
19 to maybe Collinghg's co-workers or people in the
20 community who are like oh, cool, it's over and done and
21 that kind of thing?

22 PEGGY TRENT: Well, first of all, you have to
23 know what I brought to this office in case reviews. And
24 if I had the media here for every sexual assault trial
25 we go and there's a not guilty, let me tell you the

1 debriefing is heavy when there's a not guilty to figure
2 out how can we do it better, how can we present the
3 evidence. It's the same thing in this case.

4 I view this as serious, how could we do it
5 differently, what we could do. But a lot of this
6 requires Sheriff O'Malley, and it's on his shoulders
7 of how he takes this and proceeds with his deputies,
8 and I think he is at this point looking at bringing
9 in that expert to examine the policies and determine
10 what we can do better, kind of listening to what
11 other actions that could be implemented in the
12 future, and I guess that's upon us elected officials
13 to make that happen, another reason why I wanted to
14 stay in this to make it happen and to follow it
15 through. And if you don't know me, I basically, when
16 I say I'm going to do something, I did it and I did
17 it with juveniles and I'm going to continue with
18 mentally ill and how we handle it.

19 SPEAKER: Can you tell us the vote count on
20 whether to indict.

21 PEGGY TRENT: As I said earlier, I'm unable to
22 do that. The rules specifically prohibit me from
23 telling you the vote count. I want to tell you so badly
24 you don't even know because I think it would answer a
25 lot of your questions, but at this point I can't and I'm

1 prohibited. I even had to call bar counsel and ask bar
2 counsel if I could please tell you. I spoke to the U.S.
3 Attorney's Office because they deal in federal grand
4 juries. I am prohibited by law. And even if I told
5 you, then you would know the vote, so I can't even tell
6 you.

7 SPEAKER: Can you expand just a little bit on
8 what are some of the actions that could be taken after
9 you review this case? You've talked a lot about the
10 questions that are going to be asked, but are there
11 actual changes that can be made, or is it mostly you
12 guys would make suggestions to maybe the sheriff's
13 office about policy changes or things that you think
14 need to happen?

15 PEGGY TRENT: Right. Well, some of the
16 changes is we need a protocol and a process. We have to
17 figure out for the next shooting because it could happen
18 today how are we going to handle it, how am I going to
19 do it differently. I've learned a lot. Some of you
20 from the media will laugh because I was told by someone
21 back there that we should have a press person and we
22 should know how to do this and I don't.

23 I wasn't prepared, and I'll be candid with
24 you, we hadn't had this in our office or the staffing
25 levels to do that. I've learned a lot, you know,

1 from this, and I think immediately there will needs
2 to be a process and protocol how the media, how the
3 public is informed. I believe that there does need
4 to be transparency and openness. I thought I was
5 doing the right thing. I actually called Casper,
6 which is where I heard -- I am not following the way
7 Casper Police Department did it, but I actually
8 called Casper and handled it that way by doing a
9 press conference. I felt I could not because of the
10 grand jury. I knew I was going to release the
11 evidence, but I thought I could at least show it and
12 address it immediately. So I think lessons learned,
13 you know.

14 I was told afterwards, and unfortunately
15 everyone told me you should never have even done the
16 press conference, and I disagree. I felt I needed to
17 do that to get it out. I guess the mistake is I
18 didn't put it on social media. I didn't know how I
19 should have done it.

20 Another lesson learning is we need to
21 immediately get mental health training of officers
22 implemented immediately. Right now the -- we are
23 working and moving in that direction, but we need to
24 move quickly. We haven't had that training in
25 numerous years and it has to happen just in general,

1 not just in -- and then kind of carrying it over to
2 traffic stops. I do have the ability to help with
3 that. But the other material reviewing the actual
4 policies, that's going to have to come from Sheriff
5 O'Malley's office.

6 SPEAKER: So just to be clear, you guys can
7 review that and kind of push for more training, push for
8 those things. But as far as actually having the
9 authority to make those changes, that comes from the
10 sheriff's office?

11 PEGGY TRENT: Correct.

12 SPEAKER: Thank you.

13 PEGGY TRENT: Okay. If there's not any other
14 questions?

15 SPEAKER: Peggy, so a number of us understand
16 the grand jury findings are actually recommendations and
17 are not binding and they're ultimately still your choice
18 whether charges are pressed. Is that true in this case
19 or not?

20 PEGGY TRENT: No, it's not. In Wyoming they
21 made the decision of no bill. I am bound by that. I
22 felt their decision spoke loudly to me in how to
23 proceed.

24 I did reach out to the U.S. Attorney's
25 Office to inquire about a 1983 action and/or criminal

1 action, civil action doing that. At this point
2 you'll find that amusing because the government shut
3 down their nonessential personnel at the Department
4 of Justice right now. But I did speak with a
5 representative in the U.S. Attorney's Office. If
6 that's something that does happen which, you know,
7 with the disclosure of evidence that's another reason
8 why we're kind of dragging releasing anything in the
9 motion for the sealing of the grand jury, they would
10 needed that evidence preserved. But I am not, due to
11 the grand jury's findings and what was communicated,
12 I will not be requesting that, but if the family goes
13 and requests it, that's fine. And then they will
14 conduct their own investigation by FBI. And I
15 thought that's what ACLU had communicated to me at
16 some point in some conversation that they were going
17 to do that from DOJ. I maybe incorrect.

18 SPEAKER: Sorry, if I can ask a question. You
19 were talking about the experts who testified that they
20 knew about Robby's mental health issues.

21 PEGGY TRENT: Uh-huh.

22 SPEAKER: And you said the mental health
23 issues were off the table along with the prior
24 shootings. Was the expert aware of the prior shootings
25 or just the mental health issues?

1 PEGGY TRENT: All of it.

2 SPEAKER: All of it.

3 PEGGY TRENT: They received personnel records,
4 everything. They received everything in its entirety.
5 And I won't say mental health was not off the table, I
6 want to clarify. Mental health was presented to the
7 jurors so that they knew because you needed to take in
8 his condition at the day. That was relevant to know,
9 you know, that he was mentally ill.

10 I think through some of the testimony we
11 learned a lot about Robby and why he may have done
12 what he did, but we don't know, you know, at this
13 point, you know. It goes back to the traffic stop
14 and looking at how we handled that.

15 Okay. Is that it? Okay. Thank you very
16 much for coming. I appreciate it.

17 (End of recording.)

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1 CERTIFICATE OF REPORTER
2

3 I, Charlotte Crandall, certify that I was
4 authorized to and did transcribe the foregoing audio
5 recorded proceedings and that the transcript is a
6 true and complete record of my stenographic notes
7 from an audio recording and was transcribed to the
8 best of my ability.

9

10 Dated this 12th day of February, 2021.

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Charlotte Crandall
Registered Professional Reporter

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